

## LEGAL PERSON AS PERPETRATOR OF CRIMINAL OFFENCE ACCORDING TO NEW LAW ON RESPONSIBILITY OF LEGAL PERSONS FOR CRIMINAL OFFENCES

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**Summary:** The idea of criminal punishment of legal entities together with the punishment of a responsible person arose from new types of criminal offences (organized commercial crime, criminal offences against environment and public health) which could have not been repressed by single punishment of an individual. An efficient measure is to prohibit a legal entity from work. Those measures are considered to be efficient and of a preventive nature, but they do not punish an individual person. Derogation from a rule *societas delinquere non potest* could raise many questions related to redefining of individual criminal law concept. The National Assembly of the Republic of Serbia adopted a new Law on the Responsibility of Legal Entities for Crimes and, therefore, adopted the concept of introducing the responsibility of legal entities for crimes within the legal system of Serbia. At the same time, the Assembly accepted that this type of criminal responsibility is possible, first of all, due to criminal and political reasons. And, thirdly, such a solution is necessary in order to harmonize domestic legislation with the relevant international documents and in order to harmonize with criminal legislations within the EU member-states. The legislator's activity is therefore in full compliance with the ongoing trends on a global level (i.e., the UN Convention on Transnational Organized Crime with the Additional Protocol from 2000), and regionally, through various legal documents of the European Union and the Council of Europe (CoE Recommendation on Combating Organized Crime, 1996; CoE Recommendation on liability of enterprises for criminal offences, 1988; Criminal Law Convention on Corruption, 1999; etc.). Legislator has, therefore, accepted the fact that the responsibility of legal entities for crimes makes its path towards European legislatures and as well as those of the most of the countries in the world. The new Law on Responsibility of Legal Entities for Crimes is in compliance with 50-year-long experience of implementation of the Law on Commercial Offences, which has given good results in combating commercial offences, and, on the other hand, is in line with international standards and documents.